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BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Investigation Against:

Case No. 1B-2007-181509

PARVIZ SERVATJOO, DPM
7217 Canby Avenue
Reseda, CA 91335

ACCUSATION

Doctor of Podiatric Medicine No. E-3494,

Respondent.

Complainant alleges:

PARTIES

1. James Rathlesberger (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Podiatric Medicine, Department of Consumer Affairs.

2. On or about December 28, 1987, the Board of Podiatric Medicine issued Doctor of Podiatric Medicine Number E-3494 to Parviz Servatjoo, DPM (Respondent). Respondent's license expired August 31, 2007, and has been in delinquent status since that time.

JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2497 of the Code states:

2 “(a) The board may order the denial of an application for, or the suspension of, or the
3 revocation of, or the imposition of probationary conditions upon, a certificate to practice
4 podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220)
5 in accordance with Section 2222.

6 (b) The board may hear all matters, including but not limited to, any contested case or
7 may assign any such matters to an administrative law judge. The proceedings shall be held in
8 accordance with Section 2230. If a contested case is heard by the board itself, the administrative
9 law judge who presided at the hearing shall be present during the board's consideration of the
10 case and shall assist and advise the board.”

11 5. Section 2474 of the Code states:

12 “Any person who uses in any sign or in any advertisement or otherwise, the word or
13 words "doctor of podiatric medicine," "doctor of podiatry," "podiatric doctor," "D.P.M.,"
14 "podiatrist," "foot specialist," or any other term or terms or any letters indicating or implying that
15 he or she is a doctor of podiatric medicine, or that he or she practices podiatric medicine, or holds
16 himself out as practicing podiatric medicine or foot correction as defined in Section 2472,
17 without having at the time of so doing a valid, unrevoked, and unsuspended certificate as
18 provided for in this chapter, is guilty of a misdemeanor.”

19 6. Section 2052 of the Code states:

20 “(a) Notwithstanding Section 146, any person who practices or attempts to practice, or
21 who advertises or holds himself or herself out as practicing, any system or mode of treating the
22 sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
23 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
24 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
25 certificate as provided in this chapter or without being authorized to perform the act pursuant to a
26 certificate obtained in accordance with some other provision of law is guilty of a public offense,
27 punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state
28 prison, by imprisonment in a county jail not exceeding one year, or by both the fine and either

1 imprisonment.

2 (b) Any person who conspires with or aids or abets another to commit any act described
3 in subdivision (a) is guilty of a public offense, subject to the punishment described in that
4 subdivision.

5 (c) The remedy provided in this section shall not preclude any other remedy provided by
6 law.”

7 7. Section 2234 of the Code states:

8 “The Division of Medical Quality shall take action against any licensee who is charged
9 with unprofessional conduct. In addition to other provisions of this article, unprofessional
10 conduct includes, but is not limited to, the following:

11 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
12 violation of, or conspiring to violate any provision of this chapter.

13 (b) Gross negligence.

14 (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
15 omissions. An initial negligent act or omission followed by a separate and distinct departure
16 from the applicable standard of care shall constitute repeated negligent acts.

17 (1) An initial negligent diagnosis followed by an act or omission medically appropriate
18 for that negligent diagnosis of the patient shall constitute a single negligent act.

19 (2) When the standard of care requires a change in the diagnosis, act, or omission that
20 constitutes the negligent act described in paragraph (1), including, but not limited to, a
21 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from
22 the applicable standard of care, each departure constitutes a separate and distinct breach of the
23 standard of care.

24 (d) Incompetence.

25 (e) The commission of any act involving dishonesty or corruption which is substantially
26 related to the qualifications, functions, or duties of a physician and surgeon.

27 (f) Any action or conduct which would have warranted the denial of a certificate.

28 (g) The practice of medicine from this state into another state or country without meeting

1 the legal requirements of that state or country for the practice of medicine. Section 2314 shall
2 not apply to this subdivision. This subdivision shall become operative upon the implementation
3 of the proposed registration program described in Section 2052.5.”

4 8. Section 820 of the Code states:

5 “Whenever it appears that any person holding a license, certificate or permit under this
6 division or under any initiative act referred to in this division may be unable to practice his or
7 her profession safely because the licentiate's ability to practice is impaired due to mental illness,
8 or physical illness affecting competency, the licensing agency may order the licentiate to be
9 examined by one or more physicians and surgeons or psychologists designated by the agency.
10 The report of the examiners shall be made available to the licentiate and may be received as
11 direct evidence in proceedings conducted pursuant to Section 822.”

12 9. Section 822 of the Code states:

13 “If a licensing agency determines that its licentiate's ability to practice his or her
14 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
15 competency, the licensing agency may take action by any one of the following methods:

- 16 (a) Revoking the licentiate's certificate or license.
17 (b) Suspending the licentiate's right to practice.
18 (c) Placing the licentiate on probation.
19 (d) Taking such other action in relation to the licentiate as the licensing agency in its
20 discretion deems proper.

21 The licensing agency shall not reinstate a revoked or suspended certificate or license until
22 it has received competent evidence of the absence or control of the condition which caused its
23 action and until it is satisfied that with due regard for the public health and safety the person's
24 right to practice his or her profession may be safely reinstated.”

25 FIRST CAUSE FOR DISCIPLINE

26 (Practicing Without A Valid License)

27 10. Respondent is subject to disciplinary action under sections 2474, 2052,
28 and 2234 (f), in that he practiced podiatric medicine while his license was delinquent for non

1 payment of fees. The circumstances are as follows:

2 11. The Department of Consumer Affairs (DCA) received Respondent's
3 renewal application for fees for the period of 9/01/05 through 8/31/07. The application included
4 Respondent's personal check dated 8/25/05 for the fees in the amount of nine hundred dollars
5 (\$900.00). The Board of Podiatric Medicine (Board) was notified the check was returned due to
6 insufficient funds. On September 19, 2005, the check was returned to Respondent with a request
7 for payment. The payment request also stated that if a license had been received it was
8 considered invalid until all fees were paid. The letter further stated that if payment was not
9 received his license would be "... **delinquent effective October 1, 2005.**" (bold in original)
10 The Board did not receive payment from Respondent.

11 12. Approximately one year later, on October 2, 2006, the Board sent another
12 letter to Respondent requesting payment. This letter stated his license was now delinquent, and
13 the Board would no longer accept a personal check for the renewal. The letter itemized the
14 additional fees now due, and also stated that "Practicing without a valid license is a misdemeanor
15 punishable by law."

16 13. Seventeen months after Respondent's renewal was due, on February 7,
17 2007, the Board finally received payment. During those seventeen months (17) Respondent
18 denied practicing podiatric medicine.

19 14. On or about February 13, 2007, during a conversation with the Board's
20 Enforcement Coordinator, Respondent admitted performing surgeries and treating patients while
21 his license was delinquent and invalid, as a result of his failure to pay his fees. On or about June
22 13, 2007, during an interview with Medical Board Investigators, Respondent admitted practicing
23 during 2005 and 2006, when his license was delinquent, and invalid, as a result of his failure to
24 pay his fees.

25 SECOND CAUSE FOR DISCIPLINE

26 (Mentally Impaired)

27 12. By reason of the matters alleged in Paragraphs 10 through 14 which are
28 incorporated by reference as if fully set forth herein, in addition to other facts as set forth below,

1 Respondent is subject to disciplinary action under section 820 and 822 of the Code in that his
2 ability to practice was impaired due to mental illness affecting competency. The circumstances
3 are as follows:

4 13. On or about February 13, 2007, during a conversation with the Board's
5 Enforcement Coordinator, Respondent mentioned having an accident which made it difficult for
6 him to practice. Respondent was crying during this conversation, and became so distraught that
7 the Coordinator became quite concerned. As a consequence of Respondent's behavior during
8 this conversation the Coordinator believed that Respondent's physical and mental ability to
9 safely practice was possibly impaired. As a result an investigation was opened.

10 14. On or about June 13, 2007, during the investigative interview with
11 Medical Board Investigators, the Investigators asked Respondent if he would voluntarily undergo
12 a physical and medical examination. On or about July 2, 2007, he agreed to do so.

13 15. On or about August 20, 2007, Lester M. Zackler, M.D., a licensed
14 psychiatrist conducted a psychiatric examination of Respondent. In Dr. Zackler's report dated
15 November 18, 2007, Dr. Zackler stated that Respondent had major depression, generalized
16 anxiety, and somatoform disorder. Dr. Zackler opined Respondent was incapacitated by
17 Depressive Disorder and did not have the capacity to safely practice podiatric medicine.

18 DISCIPLINE CONSIDERATIONS

19 16. To determine the degree of discipline, if any, to be imposed on
20 Respondent, Complainant alleges that on or about March 18, 1999, Respondent was charged in a
21 prior disciplinary action entitled In the Matter of the Accusation Against Parviz Servatjoo, DPM
22 before the Board of Podiatric Medicine, in Case Number 1B-1996-61489, with gross negligence,
23 repeated negligence, and incompetence. The case involved two patients. As a result of a
24 stipulated settlement Respondent's license was revoked, the revocation was suspended, and
25 Respondent was placed on three years probation. That decision is now final and is incorporated
26 by reference as if fully set forth.

27 PRAYER

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein


1 alleged, and that following the hearing, the Board of Podiatric Medicine issue a decision:

2 1. Revoking or suspending Doctor of Podiatric Medicine Number E-3494,
3 issued to Parviz Servatjoo, DPM Parviz Servatjoo, DPM.

4 2. Ordering Parviz Servatjoo, DPM to pay the Board of Podiatric Medicine
5 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
6 Professions Code section 2497.5;

7 3. Taking such other and further action as deemed necessary and proper.
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9 DATED: May 22, 2008
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12 
13 JAMES RATHLESBERGER
14 Executive Officer
15 Board of Podiatric Medicine
16 Department of Consumer Affairs
17 State of California
18 Complainant
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